

*Section 7*  
*Organization and Staffing Issues*

**North Carolina General Assembly  
Organization and Staffing**

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Government Performance Audit Committee  
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## Issue Statement

This paper assesses the organizational structure, management practices, and staffing patterns of the General Assembly's central legislative staff.

## Background

As stated in the 1991-93 Biennium Budget, the mission of the General Assembly is to enact general and local laws promoting the best interests of the state and the people of North Carolina. The General Assembly is comprised of 170 members consisting of 50 Senators and 120 Representatives that are elected every two years. The members meet in a long session and a short session during each biennium. The long sessions occur in odd-numbered years and usually run from January through July. The short sessions, which are primarily for reviewing and updating the second year of the biennium budget, occur in the even-numbered years and usually last about four to six weeks beginning in late May/early June. The General Assembly will also convene in extra sessions, as needed.

The General Assembly's total certified operating budget for 1991-92 was approximately \$21.2 million, an increase of approximately \$1.3 million (6.3 percent) from 1990-91. The General Assembly's certified budget for 1992-93 increased by only 1.4 percent to approximately \$21.5 million.

The General Assembly has centralized legislative services that are governed by the Legislative Services Commission (LSC), which has staffing and administrative oversight of the operations of the General Assembly. The LSC is a joint body consisting of 14 members: 6 members from each house who are appointed by the Speaker of the House of Representatives and the Senate President Pro Tempore, both of whom sit on the LSC and act as chairs of the committee in alternating years. Duties of the LSC are specified in General Statute 120.32.

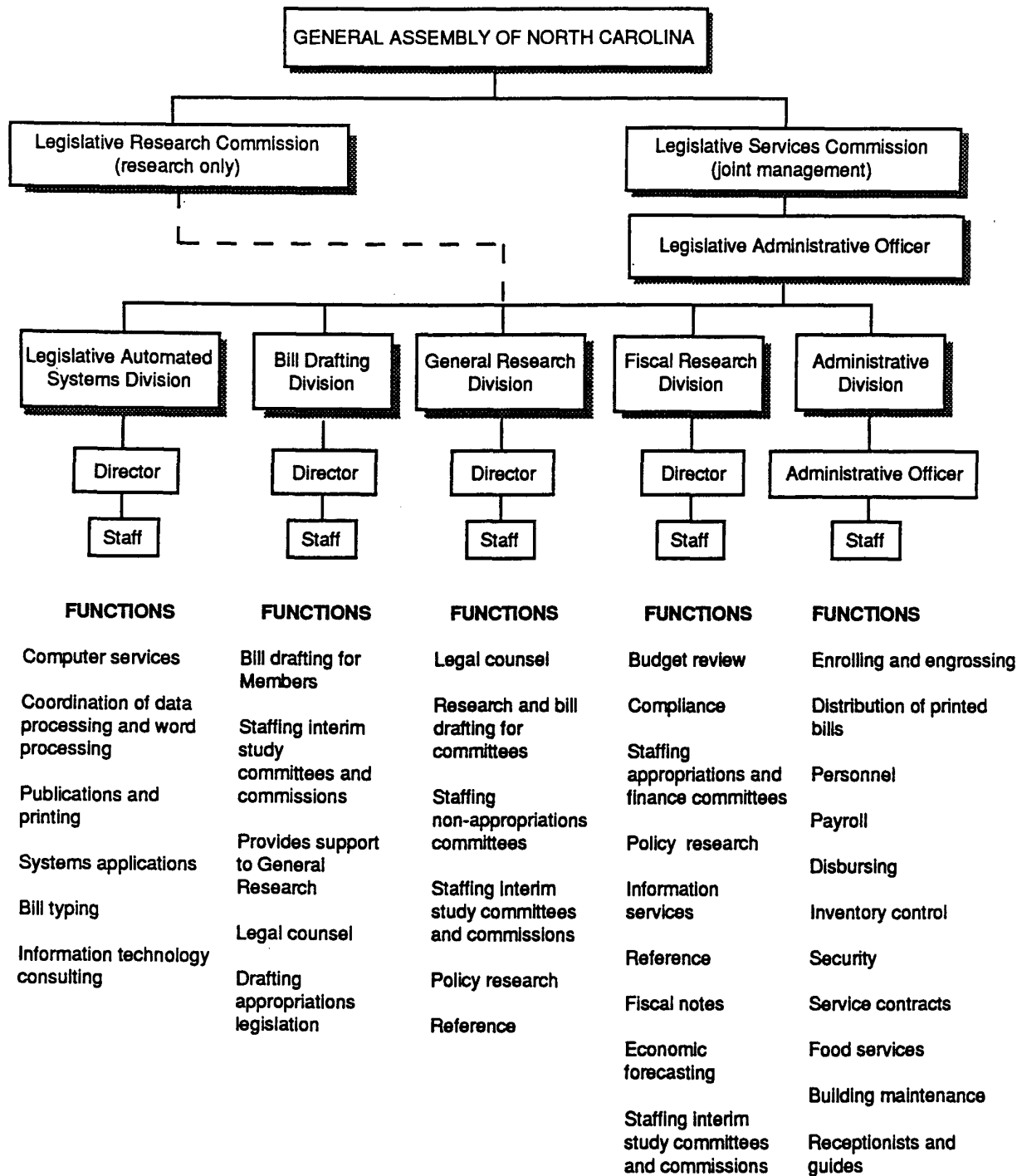
There are currently 158 permanent full-time positions supporting the General Assembly, the majority of which are in one of the following five divisions that are administered by the Legislative Administrative Officer as shown in Exhibit 1:

- **Administrative Services** - provides general administrative support including administrative management, budgeting, personnel, production and storage of legislative documents, building maintenance, and security and food services (48 positions)
- **General Research** - provides general research support, a reference library for use by legislators and the public, staffs and provides bill drafting for non-appropriations standing committees, and staffs interim study committees and commissions (31 positions)
- **Fiscal Research** - provides fiscal data and analysis, monitors the budget process,

# EXHIBIT 1

## North Carolina General Assembly

### Organization Chart of Central Legislative Staff



recommends appropriations for state departments and agencies and staffs the appropriations and finance committees, and the Joint Legislative Committee on Governmental Operations (31 positions)

- **Bill Drafting** - provides bill drafting for individual General Assembly members and appropriations committees, and staffs interim study committees and commissions (13 positions)
- **Legislative Automated Systems** - provides automated information systems support and services (14 positions)

In addition to the five central legislative divisions, there is also a staff for the Government Performance Audit Committee (GPAC). The GPAC staff is under the auspices of the Legislative Administrative Officer for administrative purposes, however it reports directly to the General Assembly Government Performance Audit Committee (4 positions).

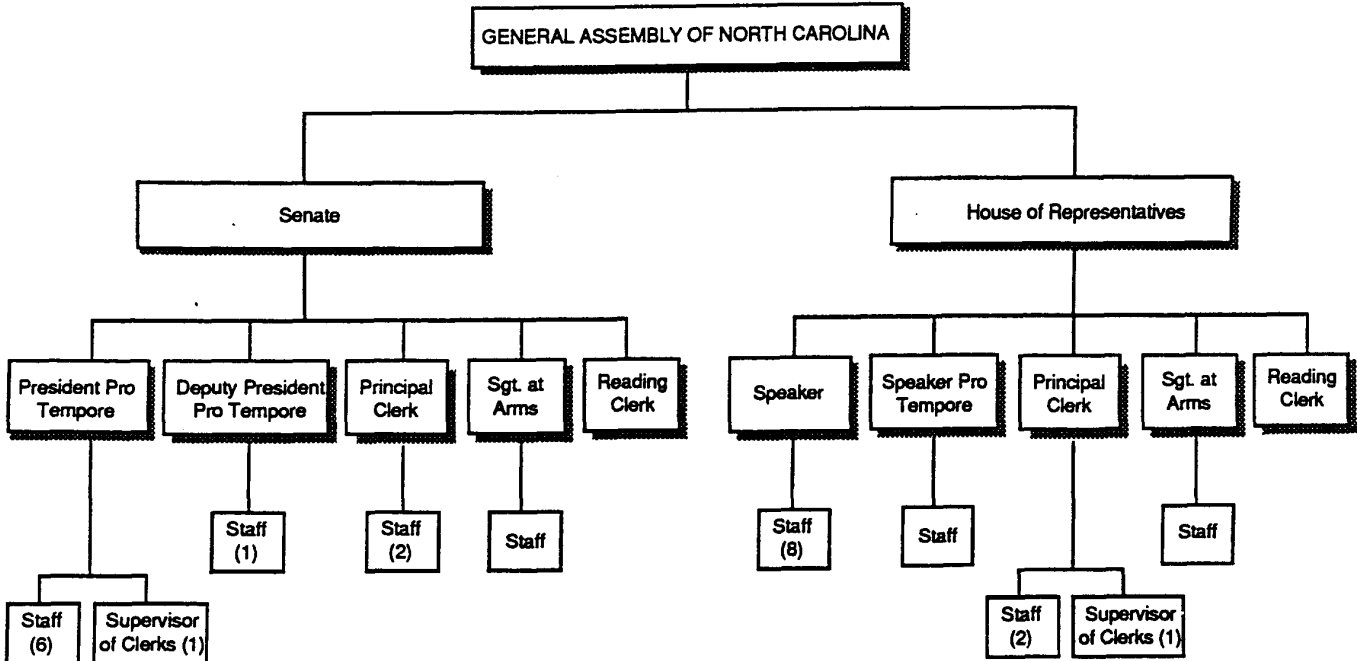
There are also several committee consultants that are hired on an as-needed basis through the University of North Carolina's Institute of Government. The Institute of Government is also under contract to produce the "Daily Bulletin," which is a summary of all bills being considered by the General Assembly, and an annual document for the public at large which summarizes all legislation passed during the session.

Other staff to the General Assembly are the Principal Clerks, the Reading Clerks, and the Sergeant-At-Arms of both houses. (See Exhibit 2.) These positions are elected by the General Assembly every two years. The Principal Clerks serve as parliamentarians to the House and Senate, and, as authorized by the LSC, each principal clerk hires a limited number of session chamber staff to produce the calendars and journals and to staff the committees. The sergeants-at-arms also hire session-only staff. In total, there are approximately 327 temporary session-only staff that are hired each year to perform these support functions and secretarial support for the General Assembly.

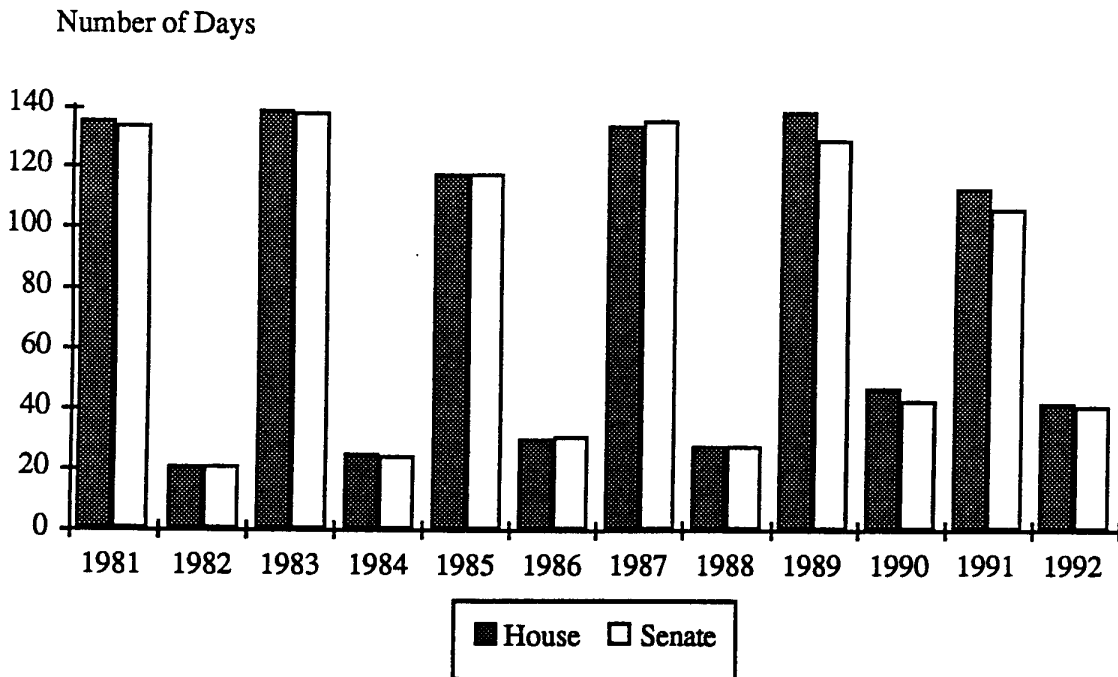
The Speaker of the House of Representatives and the Senate President Pro Tempore each have personal staffs. The other members do not have personal staff, but they are each authorized to hire a personal secretary during the session who also serves as a committee clerk if the member is a chair of a committee.

In North Carolina, there are growing demands on the General Assembly and its support staffs. Exhibit 3 shows that the number of General Assembly work days for the long session continues to range between 120 and 140 days while the duration of the short sessions has been increasing since 1981 and reached approximately 40 working days in 1990 and 1992. The number of bills introduced and passed in the short and long sessions has also increased since 1985, particularly in the long sessions of 1987 and 1989, as illustrated in Exhibit 4.

## EXHIBIT 2 North Carolina General Assembly Organization Chart

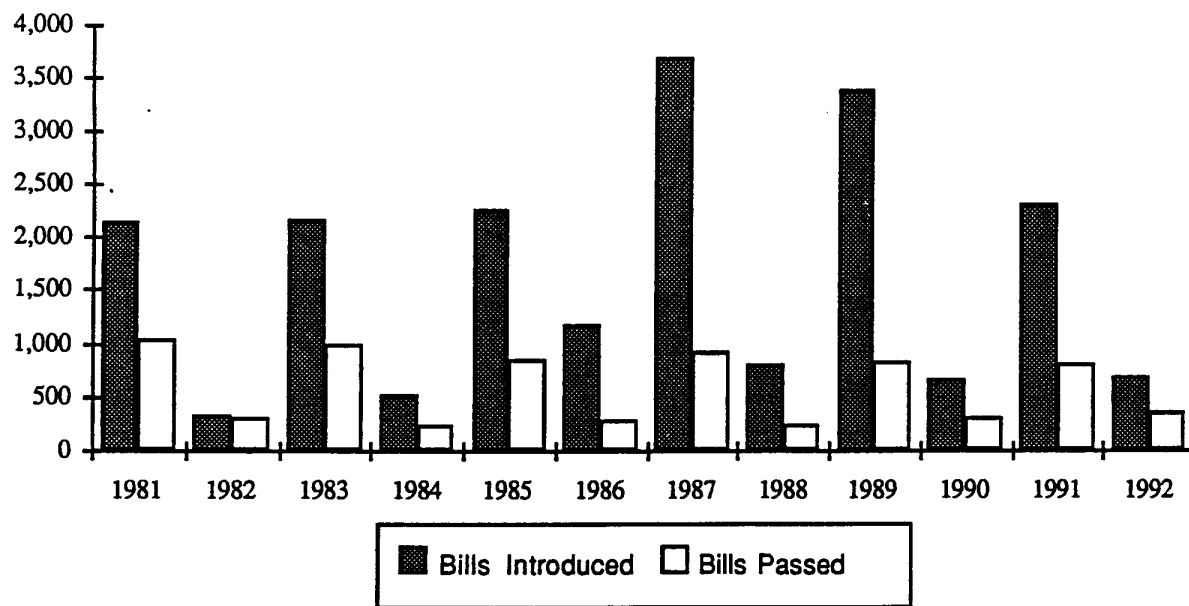


**EXHIBIT 3**  
**Number of North Carolina General Assembly**  
**Working Days**



Sources: Legislative Administrative Officer, General Research Division

**EXHIBIT 4**  
**Bills Introduced and Bills Passed by**  
**the North Carolina General Assembly**



Sources: Legislative Administrative Officer, General Research Division

## Findings

***Finding 1: Nationally, North Carolina has the lowest legislative expenditures per capita and a small full-time staff relative to most other states.***

For fiscal year 1990, North Carolina had the tenth largest population and eleventh largest general government expenditure budget in the nation. However, in comparing its legislative branch expenditures to other states, North Carolina ranks:

- 27th in total legislative branch expenditures
- 50th in legislative branch expenditures per capita
- 50th in legislative branch expenditures as a percentage of its general government expenditure budget

In comparing the size of its legislative staff to other states, as of 1988, North Carolina ranked:

- 40th for full-time permanent staff
- 5th for session-only staff
- 23rd for total staff size

Between 1979 and 1988, North Carolina had the:

- 12th largest percentage growth in full-time professional staff
- 15th largest percentage growth in session-only staff
- 18th largest percentage growth in total staff size

Relative to nine other southeastern states, based on 1988 data, North Carolina has the:

- Smallest number of full-time professional staff
- Second largest session-only staff
- Second highest growth rate in professional staff between 1979 and 1988

Detailed comparative data for North Carolina and the other states in the nation is presented in Appendix A.

The above findings indicate that North Carolina has a very small legislative staff given its population and the lowest legislative expenditures nationally.

***Finding 2: The General Assembly's centralized legislative staffing structure is common for citizen legislatures.***

According to the National Conference of State Legislatures (NCSL), legislatures typically have



## EXHIBIT 5

### Categories of State Legislatures

**CATEGORY 1:** *Full-time, large staff, relatively high pay, stable membership*

California	New York
Illinois	Ohio
Massachusetts	Pennsylvania
Michigan	Wisconsin

**CATEGORY 2:** *In-between, hybrid*

Alabama	Maryland
Alaska	Minnesota
Arizona	Missouri
Colorado	Nebraska
Connecticut	New Jersey
Delaware	Oklahoma
Florida	Oregon
Georgia	South Carolina
Hawaii	Tennessee
Indiana	Texas
Iowa	Virginia
Kansas	Washington
Kentucky	

**CATEGORY 3:** *Part-time, low pay, small staff, high turnover in membership (citizen legislatures)*

Arkansas	North Carolina
Idaho	North Dakota
Louisiana	Rhode Island
Maine	South Dakota
Mississippi	Utah
Montana	Vermont
Nevada	West Virginia
New Hampshire	Wyoming
New Mexico	

Biennial Legislatures: Arkansas, Kentucky, Montana, Nevada, North Dakota, Oregon, Texas

Source: National Conference of State Legislatures, *Changing State Legislatures*, Legislative Organization and Management Committee, October 20, 1989

three types of organization and staffing patterns as shown in Exhibit 5. North Carolina's General Assembly is one of 17 citizen legislatures nationwide. Citizen legislatures, like North Carolina's, typically have part-time legislators with small centralized staffs. Citizen legislatures in other states also have some type of joint commission or committee that has administrative and management oversight of legislative staff. The organizational structure of the central legislative staff along the five functional lines shown in Exhibit 1 is comparable to the functions performed by centralized legislative staff in other states. The organizational structure of the legislative staff provides limited career paths for the staff and results in very broad spans of control for division directors. These limitations are discussed later in this paper.

***Finding 3: The Members of the General Assembly are generally satisfied with the services provided by its central legislative staff and the Principal Clerks.***

As part of our review of North Carolina's legislative branch of government, we conducted a survey of the Members of the General Assembly to determine their satisfaction with the services provided by the legislative staff. The survey was distributed to all Members during Phase I of the Performance Audit. Approximately 26 Members of the Senate and 53 Members of the House of Representatives responded to the survey, which is an overall response rate of about 46 percent. Below is a summary of the survey results presented by staff division. Appendix B contains charts which summarize the Members' responses to each survey question by division, along with a copy of the original survey instrument. Members were asked to rate their responses to the questions on a scale of 1 to 5, with 1 equivalent to "strongly disagree", 3 equivalent to "neutral" and 5 equivalent to "strongly agree."

The key findings of the Member survey are summarized below:

- Overall, Members had favorable ratings of Principal Clerks of the Senate and the House of Representatives and its central staff divisions. Most ratings were 4.0 or above.
- Members are more familiar with the Principal Clerks and the Bill Drafting, General Research, and Fiscal Research Divisions than with the Automated Systems and Administrative Divisions.
- All legislative support units were rated favorably in terms of their: responsiveness to Member requests for information and assistance; the production of accurate, reliable, and timely work; and the efficiency and effectiveness of their services; communications with Members.
- Members generally agreed that there are sufficient staff at present in the divisions to assist Members.

Selected Members also provided written comments on support services they received. Some concerns were noted concerning staff timeliness and responsiveness to Members requests and

inconsistent quality of drafted bills.

***Finding 4: The Legislative Services Officer position has been vacant for 18 years, and this has resulted in unclear management roles and responsibilities within the central staff.***

The Legislative Services Officer (LSO) position has been vacant for 18 years. Since that time, the top position in the central staff is the Legislative Administrative Officer (LAO) who performs many of the duties of the LSO.

The vacancy in the LSO position has resulted in unclear management roles and responsibilities within the central staff divisions. Because North Carolina's General Assembly is a part-time legislature, the Legislative Services Officer position is crucial to ensuring that work of the Members is carried out in a high quality manner in their absence. Such a position should:

- Provide strategic management and operational direction to the centralized staff
- Promote coordination and communication between the divisions
- Implement improved management and administrative procedures, such as the recommended personnel system for the General Assembly cited in the Phase I Personnel System Performance Audit report

As discussed further in Findings 6 and 7, there is a need to provide strong strategic and operational direction to the central staff. Challenges facing the central staff include: a growing, increasingly complex work load; a need for better coordination and cooperation between divisions; cross-training of staff and ensuring the availability of "back-up" staff in key functions; and implementing and/or strengthening information technology, personnel systems and quality assurance procedures in the central staff.

Filling the Legislative Services Officer position and empowering this position to provide high quality, timely, and efficient services to the General Assembly is key to meeting these challenges. This will strengthen the management hierarchy guiding the central staff.

***Recommendation 1: The Legislative Services Officer position should be filled and responsibilities of the Legislative Services Officer and the Legislative Administrative Officer need to be clarified.***

In addition to filling the long vacant Legislative Services Officer position, the General Assembly should review and, if appropriate, further clarify statutes specifying responsibilities of the Legislative Services Officer and Legislative Administrative Officer positions.

***Finding 5: There is no formal delegation of authority between the LSC and the Legislative Administrative Officer.***

By statute, the Legislative Administrative Officer (LAO) must have all routine administrative actions approved by the LSC. Given the infrequent meeting schedule of the LSC and the lack of clear guidance to the LAO on decisions he/she is authorized to make on routine administrative and related matters, the Legislative Administrative Officer's ability to efficiently and effectively manage the central staff can be impeded.

***Recommendation 2: The Legislative Services Commission should formally decide upon the appropriate roles and responsibilities for the LSC and the Legislative Administrative Officer in conducting the administrative oversight for the General Assembly.***

This review should define routine administrative and personnel decisions that the Administrative Officer is authorized to make. Recommendation 1, which recommends filling the Legislative Services Officer position, should be accounted for in this review.

***Finding 6: The Legislative Services Commission (LSC) has no established meeting schedule, which impacts making timely administrative decisions.***

There is no statutory requirement for the leadership to appoint the LSC membership by a certain date, which adversely impacts making timely administrative decisions in running the General Assembly. By law, the LSC is to be appointed every two years, ideally at the beginning of the long session in odd-numbered years. The current biennium started in January 1991; however, the LSC membership was not appointed until August 1991. The last meeting of the LSC prior to August 1991 occurred in March 1990. As a result, some decisions that needed to be made were either put on hold or not decided at all because technically there was no management body in place to give the required approval. When the LSC is not convened, routine decisions must go through the Speaker of the House and/or the Senate President Pro Tempore, since they act as co-chairs of the LSC.

***Recommendation 3: The LSC should have an established quarterly meeting schedule to provide administrative oversight of the General Assembly.***

The LSC should be appointed at the beginning of each biennium and should schedule quarterly meetings. There should be provisions to cancel a meeting if there are no business actions to be taken, or to schedule more frequent meetings as needed for time-sensitive business actions.

***Finding 7: The span of control of the directors of the Bill Drafting, Fiscal Research, and General Research divisions is excessive and contributes to management and***

*operational problems.*

The directors of the Fiscal Research, General Research, and Bill Drafting divisions have very broad spans of control which hinder their ability to effectively monitor the performance of their staff, ensure quality control of legislative products, and foster intradivision communication. The Bill Drafting Division director has a span of control is 12 and the directors for Fiscal Research and General Research each have a span of control of approximately 30.

These broad spans of control contribute to the following problems based on interviews with central legislative staff and management:

- It is difficult to monitor staff work loads and performance and ensure that duties assigned to particular staff are carried out appropriately. It is also difficult to balance work loads among the staff because of the limited size and limited cross-training of staff.
- It is difficult for the directors to facilitate communication among their staff members on cross-cutting policy and administrative issues.
- The directors sometimes have to perform policy analysis, draft bills, etc. to meet deadlines and Member requests, particularly when the General Assembly is in session, which limits their time for managing their divisions.
- It is difficult for the directors to maintain quality control because of a highly peaked and growing work load.

Some staff have indicated that the directors do not enforce the use of the bill drafting procedures manual that has been created by the Bill Drafting Division to ensure consistency in legislative drafting. In addition, the directors do not routinely review the legislation drafted by the staff attorneys before it is released to the bill sponsor or the committees because of heavy work loads. Until now, the GRD research assistant that performs the indexing function has been serving as a quasi-quality control function by alerting attorneys to technical errors in bills as they arise.

***Finding 8: Interdivisional communication between the Bill Drafting, General Research, and Fiscal Research divisions is limited and in need of improvement.***

Based on interviews conducted with selected staff from the Bill Drafting, Fiscal Research, and General Research Divisions, interdivision communication is limited and inconsistent. This problem is of considerable concern to the staff who indicate that this sometimes has resulted in:

- Fragmented policy expertise and program knowledge
- Duplication in policy research and bill drafting

- Misunderstanding of legislative intent
- Underutilized staff resources for the interim study committees and commissions

A contributing factor to the lack of interdivision communication may be the approach used by the Bill Drafting and General Research Divisions in assigning attorneys to subject areas. Bill drafting attorneys are assigned to draft legislation in broad subject areas that are related, while general research attorneys are assigned subject areas that can cover a broad range of issues that are not necessarily related. These differences can make it difficult for staff in both divisions to consult effectively on issues.

***Recommendation 4: The General Assembly needs to conduct a "peer review" of its structure, operations, and staffing to meet its future needs.***

The General Assembly should conduct a peer review of its structure, operations, and staffing to address the following issues identified in the Government Performance Audit:

- Adoption of program budgeting and possible changes in the General Assembly's committee structure
- Need for improved interdivisional and intradivisional communication and cooperation
- Growing work loads that require increasing specialization
- Limited staff "back-up" in critical policy analysis areas (e.g. revenue forecasting)
- Excessive broad spans of control of the division directors
- Limited time for division directors to manage their staffs effectively, build staff capabilities and teamwork, and provided quality assurance monitoring for the Members

***Finding 9: There is no formal General Assembly facilities space plan.***

The General Assembly does not have a facilities plan. However, the need for more space has been widely acknowledged, and the LSC is in the process of planning to expand current space based on needs communicated by the staff.

According to the Principal Clerks, there is inadequate space to store documents produced by these offices for keeping records. It was also noted that there is inadequate space in the Legislative building for the public who want to listen to the floor and/or committee proceedings. Currently, such individuals use space in the Principal Clerks' offices which impacts the efficiency of their

operations.

***Recommendation 5: The LSC should develop a facilities plan that defines current space needs and plans for future needs for facilities and storage space.***

This facilities plan should be used as a long-range planning document in conjunction with any organizational and staffing changes resulting from Recommendation 4 that would call for additional space.

***Finding 10: The current process of indexing of the journals for the House and the Senate is inconsistent.***

By statute, the Principal Clerks are charged with producing a journal at the end of each session which documents all legislation that was introduced and its current location, i.e., which committee or house the legislation was in when the session ended. Each journal must also include a corresponding index which states the bill location. The House Principal Clerk produces the journal index using the Bill Status File System index created by the Automated Systems Division, which is input by the research assistant in the General Research Division. The Senate Principal Clerk creates an index which has a different format and more information than what is included in the Bill Status File System index. Inconsistency with the format of the indexes has led to some confusion with regard to retrieval of a bill's status, and has produced some irregular work load patterns that could be eliminated if the indexes were consistent.

***Recommendation 7: The House and Senate Principal Clerks should produce consistent journal indexes.***

There needs to be an assessment of the information required to produce consistent journal indexes, and this should be incorporated into the Bill Status File System, thereby allowing both Principal Clerks to produce the same indexes for the journals.

### **Implications**

Given the prior Phase I recommendations to implement program budgeting, the General Assembly should determine the appropriate committee structure for incorporating program budgeting into the legislative process. Once this has been done, an appropriate management structure and staffing capabilities can be determined for the central staff. In determining the appropriate management structure of the centralized staff, it is imperative that the division directors have more time to manage their staffs and focus on quality control, personnel management, and performance evaluation.

Equally important is the need to determine the type of staffing capabilities that will be required

to support the General Assembly. It will require the General Assembly to address what other services, like formalized policy analysis, the staff should provide to support Members in the decision-making process.

It is important to note that the General Assembly's existing staff is very "lean," and has extremely limited back-up capability in the event of staff turnover or illness. The General Assembly's dependence on the institutional knowledge of its existing staff leaves it vulnerable to the loss of staff.

## **Implementation**

The General Assembly should form a working group of Members and staff to determine the type of appropriations committee structure to accommodate program budgeting, and the mix of staff resources needed to support this new structure. In particular, the General Assembly should consider organizing the Bill Drafting, General Research, and Fiscal Research division staff into subject area support teams. A team approach would allow for: 1) more equitable distribution of work load, 2) more reassuring division director spans of control, 3) peer review of work products for internal quality control, and 4) cross-training and backup of staff, especially when the House and Senate meet simultaneously.

The Legislative Services Commission should fill the position of the Legislative Services Officer. This position will be instrumental in making future personnel and management decisions to effectively utilize staff resources, and serve as a liaison between the LSC and the central staff.

Finally, the Legislative Services Commission should implement the recommendations for the General Assembly stated in the Phase I Audit Report of North Carolina's Personnel Systems. It is important that the General Assembly implement a formal personnel system that institutes performance evaluations, job descriptions, compensation and classification systems, in-service training, and division operating policy and procedures manuals.



## References

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- *The Journal of State Government*

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- *Assembly on the Legislature*, April 1991, Lincoln, Nebraska
- *Background Information, Changing State Legislatures*, Legislative Organization and Management Committee, October 20, 1989
- *Staff Size in State Legislatures, 1988*
- *Inside the Legislative Process: A Comprehensive Survey of the American Society of Legislative Clerks and Secretaries*
- *Review of the Joint Legislative Staff Agencies of the West Virginia Legislature*, December 1991

North Carolina General Assembly, Legislative Administrative Officer, Disbursing Officer, Automated Systems Division, Bill Drafting Division, Fiscal Research Division, General Research Division, House and Senate Principal Clerks

The Institute of Government, University of North Carolina at Chapel Hill

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*The North Carolina State Budget: 1991-1993 Biennium, Volume 2*

*1991 General Assembly of North Carolina Telephone Directory*